

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

FAIR ISAAC CORPORATION,

Court File No. 16-cv-1054 (WMW/DTS)

Plaintiff,

v.

FEDERAL INSURANCE COMPANY,
an Indiana corporation,

FEDERAL INSURANCE COMPANY'S
SECOND SUPPLEMENTAL
ANSWERS TO INTERROGATORY
NOS. 2, 3, AND 4

Defendant.

To: Plaintiff and its attorneys, Allen Hinderaker and Michael A. Erbele, Merchant & Gould PC, 3200 IDS Center, 80 South Eighth Street, Minneapolis, MN 55402.

Defendant Federal Insurance Company ("Federal"), for its Second Supplemental Answers to Plaintiff's First Set of Interrogatories, states and alleges as follows:

GENERAL RESPONSES

1. Federal objects to the Definitions and Instructions to the extent that they seek to impose obligations on Federal that either exceed, or are different from, what is required under the Federal Rules of Civil Procedure, District of Minnesota Local Rules, and the Stipulated E-Discovery Order.

2. Federal's responses and objections are made to the best of Federal's present knowledge, information, and belief. Federal's responses and objections are limited to information within its possession, custody, or control. Federal reserves the right to

amend, supplement, or change any responses and objections if and when additional, different, or more accurate information becomes available and/or facts are developed.

3. Federal gives these Responses subject to all objections to admissibility that may be interposed in this proceeding.

ANSWERS TO FIRST SET OF INTERROGATORIES

INTERROGATORY NO. 2: Identify every person, division, or entity, other than employees of the division Chubb & Son, to whom Federal has disclosed the FICO Blaze Advisor® software after June 30, 2006, and:

- a. State the date of each such disclosure;
- b. Identify all Persons known to you to have knowledge of each such disclosure; and
- c. Identify all documents relating to each such disclosure.

SECOND SUPPLEMENTAL ANSWER: Federal objects to this Interrogatory as over broad and unduly burdensome to the extent that it seeks identification of all individuals to whom disclosure has been made, rather than the entities or divisions to which disclosure has been made. Federal further objects to this Interrogatory as overbroad and unduly burdensome because it is unlimited in time. Federal may appropriately limit its answer to available information after April 22, 2010, which is six years prior to the lawsuit being filed, but has not, at this time, withheld information based on this objection. Federal further objects to the interrogatory as vague and ambiguous, including the term “disclosed” in this context. Federal interprets the term “disclosed” in this context to refer to Chubb entities that utilize applications that use Blaze Advisor software in furtherance of the entity’s business.

Subject to, and without waiving these objections, use of the Blaze Advisor software by Federal occurred beginning on or around June 30, 2006, pursuant to the License and with FICO's knowledge and participation. In addition, at least the following entities utilized applications that used the Blaze Advisor software, and such utilization was undertaken with knowledge and consent of FICO and/or pursuant to the terms of the License: (1) Chubb Insurance Company of Europe SE (at least by 2010), (2) Chubb Insurance Company of Canada (at least by 2011), and (3) Chubb Insurance Company of Australia Limited (at least by 2015). All of these entities were covered by the License at the time they began utilizing applications using Blaze. In addition, information regarding the Blaze Advisor software and accessibility to it were provided on internal Chubb organization shared space.

Federal identifies Tamra Pawloski, Henry Mirolyuz, Ewen Setti, Hamish Tonkin, Alexander Pavlenko, Zorica Todorovic, Tony Zhang, Lei Lanz, Dalli Yang, Duff Sorli, Ramesh Pandey, Patrick Sullivan, Benku Thomas, John White, Miranda Chiang, Mark Ruscitto, Dan Tedeschi, Kott Sivakumar, Peter Tribulski, Russell Hodey, David Gibbs, David Rowlands, Peter Davis, Dejan Stojkovic, Ken Kitamura, Ben Pullinger, Martin Sill, Craig Worth, John Fagan, Jeff Pruski, Tanya Filstein, Russell Frost, Charles Nikolas, Diptesh Patel, Oliver Clark (FICO), Michael Sawyer (FICO), Ian Brodie (FICO), and Russell Schreiber (FICO) as persons who may have knowledge regarding use of the Blaze Advisor software.

Further answering Interrogatory No. 2, pursuant to Fed. R. Civ. P. 33(d), Federal refers to emails sent and received, including corresponding documents, by such

individuals regarding use of the Blaze Advisor software in the United Kingdom, Canada, and Australia, and states that the burden of identifying the emails relating to the use of the software in the United Kingdom, Canada, and Australia is substantially the same for both parties.

INTERROGATORY NO. 3: Identify every person, division, or entity, other than employees of the division Chubb & Son of which Federal is aware, that has used the FICO Blaze Advisor® software after June 30, 2006, and:

- a. State the date of first use and, if applicable, the date of the last use for each person, division, or entity;
- b. Identify all Persons known to you to have knowledge of each such use; and
- c. Identify all documents relating to each such disclosure.

SECOND SUPPLEMENTAL ANSWER:

Federal objects to this Interrogatory as over broad and unduly burdensome to the extent that it seeks identification of all individuals who have used the software, rather than the entities or divisions that have used the software. Federal further objects to this Interrogatory as overbroad and unduly burdensome because it is unlimited in time. Federal may appropriately limit its answer to available information after April 22, 2010, which is six years prior to the lawsuit being filed, but has not, at this time, withheld information based on this objection. Federal also objects to the interrogatory as vague and ambiguous, including the term “use” in this context.

Subject to, and without waiving these objections, disclosure of the Blaze Advisor software to Federal occurred on or around June 30, 2006, pursuant to the License, and with FICO’s knowledge and participation. In addition, at least the following entities

utilized applications that used the Blaze Advisor software, and such utilization was undertaken with knowledge and consent of FICO and/or pursuant to the terms of the License: (1) Chubb Insurance Company of Europe SE (at least by 2010), (2) Chubb Insurance Company of Canada (at least by 2011), and (3) Chubb Insurance Company of Australia Limited (at least by 2015). All of the above entities were covered by the License at the time they began utilizing applications using Blaze. In addition, information regarding the Blaze Advisor software and accessibility to it were provided on internal Chubb organization shared space.

Federal identifies Tamra Pawloski, Henry Mirolyuz, Ewen Setti, Hamish Tonkin, Alexander Pavlenko, Zorica Todorovic, Tony Zhang, Lei Lanz, Dalli Yang, Duff Sorli, Ramesh Pandey, Patrick Sullivan, Benku Thomas, John White, Miranda Chiang, Mark Ruscitto, Dan Tedeschi, Kott Sivakumar, Peter Tribulski, Russell Hodey, David Gibbs, David Rowlands, Peter Davis, Dejan Stojkovic, Ken Kitamura, Ben Pullinger, Martin Sill, Craig Worth, John Fagan, Jeff Pruski, Tanya Filstein, Russell Frost, Charles Nikolas, Diptesh Patel, Oliver Clark (FICO), Michael Sawyer (FICO), Ian Brodie (FICO), and Russell Schreiber (FICO) as persons who may have knowledge regarding use of the Blaze Advisor software.

Further answering Interrogatory No. 3, pursuant to Fed. R. Civ. P. 33(d), Federal refers to emails sent and received, including corresponding documents, by such individuals regarding use of the Blaze Advisor software in the United Kingdom, Canada, and Australia, and states that the burden of identifying the emails relating to the use of

the software in the United Kingdom, Canada, and Australia is substantially the same for both parties.

INTERROGATORY NO. 4: Identify every software application and/or system utilized by Chubb & Son, a division of Federal, or by any division or entity other than Chubb & Son, that utilizes in any way the Blaze Advisor® software, and:

- a. Identify all Persons known to you to have knowledge of each such software application and/or system; and
- b. Identify all documents relating to each such software application and/or system.

SUPPLEMENTAL ANSWER: Federal objects to this Interrogatory as unduly burdensome, over broad, and because it seeks information that is not relevant to any claim or defense in this action. To the extent this Interrogatory can be read to ask for identifying groups within or without the Chubb organization that have at any time used any applications, which at some time utilized in any way the Blaze Advisor software, Federal objects to the Interrogatory as vague and ambiguous and overly burdensome, in particular because it does not include any time limitation, as seeking information not relevant to the claims and defenses in this action, and as not proportional to the needs of the case. Federal will limit its answer to reasonably available information after April 22, 2010, which is six years prior to the lawsuit being filed and reflects the outermost limit of the statute of limitations. Subject to, and without waiving these objections, Federal states that Chubb Insurance Company of Canada has used at least Evolution, Chubb Insurance Company of Europe SE has used at least EZER and ADAPT, and Chubb Insurance Company of Australia Limited has used at least ADAPT. In addition, the below chart identifies the Federal business units—or lines of business—that have utilized applications

that use Blaze Advisor software. Federal and its Affiliates operate these lines of business.

| Business Unit | Application |
|----------------------------------|---|
| CSI (Chubb Specialty Insurance) | CSI Express, including CIS Claims Decision Point Automated Renewal Process |
| CCI (Chubb Commercial Insurance) | CUW IRMA (Individual Rate Modification Application) TAPS (Texas Accident Prevention System) |
| Claims | Premium Booking |
| Surety | Cornerstone |
| CAH (Canada Accident and Health) | Evolution |
| EUZ (European Zone) | Adapt-ABL EZER |

Further answering Interrogatory No. 4, pursuant to Fed. R. Civ. P. 33(d), Federal refers to emails sent and received, along with corresponding documents, regarding use of these applications, including for example FED001501, FED004571, FED005531, FED006252, FED008482, FED009343, FED009344, FED009615, FED009617, FED009623, FED009625, FED009648, FED009169, FED009913, FED010034, FED010686, FED010821, FED010823, FED010968, FED010970, FED011702,

FED012278, FED012303, FED012308, FED012349, and states that the burden of further identifying the emails and documents relating to the use of the applications is substantially the same for both parties.

Dated: May 25, 2018

s/ Leah C. Janus

Terrence J. Fleming (#0128983)

tfleming@fredlaw.com

Lora M. Friedemann (#0259615)

lfriedemann@fredlaw.com

Leah C. Janus (#0337365)

ljanus@fredlaw.com

Nikola L. Datzov (#0392144)

ndatzov@fredlaw.com

FREDRIKSON & BYRON, P.A.

200 South Sixth Street, Suite 4000

Minneapolis, MN 55402-1425

(612) 492-7000 (tel.)

(612) 492-7077 (fax)

Attorneys for Defendant

VERIFICATION

Henry Mirolyuz states under oath that he is a Senior Systems Architect at Chubb Insurance; that he is authorized to respond to Fair Isaac Corporation's Interrogatories on behalf of Federal Insurance Company; that he has relied on directors, employees, agents, and attorneys to provide information used in formulating the answers to interrogatories; and that the answers are true and correct to the best of his knowledge.

Subscribed and sworn to before me
this _____ day of _____, 20____.

Notary Public

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